REMARKS/ARGUMENTS

Claims 1-22 are now pending in this application. Claims 1 and 10 are Independent claims. Claims 1 and 10 have been amended. Claim 23-31 have been withdrawn.

Claim Rejections – 35 USC § 101

Claims 1-22 stand rejected under 35 U.S.C. § 101. (Pending Office Action, Page 3). Amendments have been made to Independent Claims 1 and 10, thereby obviating the rejections to the claims under this section.

Claim Rejections – 35 USC § 102(b)

Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Elazar et al., US Pub. No. 2004/0039932 (hereinafter: Elazar). (Pending Office Action, Page 4). Applicant respectfully traverses these rejections.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent Claim 1 recites elements that have not been disclosed by Elazar. For example, Independent Claim 1 generally recites the following:

> "wherein authorization information is securely conveyed
> into the buried nucleus via the secure protocol, thereby
> causing the buried nucleus to operate and return a result,
> the result utilizable for activating an authorized operation,
> the authorization information being processed by the buried
> nucleus when the buried nucleus is in operation, thereby
> making said authorization information and information
> relating to processing of said authorization information
> inaccessible for inspection without heroic means once said

> authorization information is conveyed to the buried nucleus."

Applicant contends that nowhere in Elazar are the above-referenced elements of Claim 1 either disclosed, taught or suggested.

Further, Dependent Claim 2 recites elements that have not been disclosed by Elazar. For example, Dependent Claim 2 generally recites the following:

> "wherein said buried nucleus includes at least one LFSR (linear feedback shift register)."

The Patent Office cites paragraph 0025 of Elazar as disclosing a buried nucleus which includes a linear feedback shift register. (Pending Office Action, Page 4). However, Applicant points out that the term "linear feedback shift register" does not appear anywhere in Elazar, nor does it appear in any of the cited/listed references of record.

Still further, Dependent Claim 6 recites elements that have not been disclosed by Elazar. For example, Dependent Claim 6 generally recites the following:

> "wherein said buried nucleus includes at least one matrix multiplier."

The Patent Office cites paragraph 0034 of Elazar as disclosing a buried nucleus which includes a matrix multiplier (Pending Office Action, Page 5). However, Applicant points out that the term "matrix multiplier" does not appear anywhere in Elazar, nor does it appear in any of the cited/listed references of record.

Based on the above rationale, it is contended that Elazar does not teach the above-referenced elements of Independent Claim 1 of the present application. Under *Lindemann*, a prima facie case of anticipation has not been established for Independent Claim 1 of the present application. Thus, Independent Claim 1 should be allowed. Further, Dependent Claims 2-9 (which depend on Independent Claim 1) should also be allowed.

Claim Rejections – 35 USC § 103(a)

Claims 10-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Elazar in view of Parks et al., USPN: 7,146,504 (hereinafter: Parks). (Pending Office Action, Page 5). Applicant respectfully traverses these rejections.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (emphasis added) (MPEP § 2143). "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious." (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicant points out that Independent Claim 10 recites elements which have not been disclosed, taught or suggested by any of the above-cited references of the present invention, either alone or in combination.

Independent Claim 10 generally recites the following:

> "wherein said encrypted key is securely conveyed into the buried nucleus via the secure protocol, thereby causing the buried nucleus to operate and return a result, the result utilizable for activating an authorized operation, the encrypted key being deciphered within the buried nucleus when the buried nucleus is in operation, thereby making the deciphering operation inaccessible for inspection without heroic means once said encrypted key is conveyed to the buried nucleus."

An aspect of the present invention is the interaction between the buried nucleus and the trusted authority and also, the activity that is set in motion (as set forth above) by conveying the key and relevant information via the secure protocol into the buried nucleus in the above-referenced manner. (Present Application, Page 13). Nowhere in any of the above-cited references, either alone or in combination, are the above-referenced elements of Independent Claim 10 taught, disclosed or suggested. Therefore, a prima facie case of obviousness has not been established for Independent Claim 10 of the present application. Thus, Independent Claim 10 should be allowed. Further, Dependent Claims 11-22 (which depend on Independent Claim 10) should also be allowed.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of

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